IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Crl.MC.No. 5013 of 2003()

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PETITIONER: 2ND ACCUSED

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THOMAS JACOB, MANAGING DIRECTOR,
PLACKATTU GRANITES INDUSTRIES PVT. LTD.,
PATHANAMTHITTA. (RESIDING AT PLAKKATTU HOUSE,
PAYYANAMON P.O., KONNY)

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

2. SAJEEV, REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER, DR. SHAJU ANTONY, AINICKAL HOUSE,
KUNDOOR DESOM, TGHIRUMUKULAM VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.A.C.DEVY
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R.UDAYABHANU, J**

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Crl.M.C.No.5013 of 2003

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Dated this the 10th day of September, 2007

**O R D E R**

The petitioner who is the accused in C.C.No.155/02 in the court of Judicial First Class Magistrate, Chalakudy with respect to the offence under Section 138 of the Negotiable Instruments Act, has sought for getting quashed the proceedings. It is contended that notice has been issued beyond the statutory time limit i.e., exact 15 days as per the existing provision then and that the court has also found that the proceedings have been initiated without jurisdiction. It is contended that the notice has been issued vide Annexure 2 on 4.12.2002. A cheque return memo dated 10.11.2001 has also been produced.

2. Counsel for the respondent has pointed out that the date of the intimation is 23.11.2001. The counsel for the respondent has also pointed out that the place of residence of the complainant is within the jurisdiction of Chalakudy court. I find that the matters of dispute is to be considered before the court

below. I find that this is not a fit case to invoke Section 482 Crl.P.C. All the same, the court below is directed to consider the above point at the preliminary stage.

The Crl.M.C. is is disposed of as above.

**K.R.UDAYABHANU,**
**JUDGE**

csl